

REMARKS

Claims 1, 2, 5 and 7-11, 13-16 and 18-19 remain pending in the present application. Claim 6 has been cancelled.

The Examiner has objected to the drawings. With respect to the Examiner's objections to the drawings, one skilled in the art would clearly understand the concept of having the casing sealed. Accordingly, Applicant believes that a new drawing is not necessary.

The Examiner has objected to Claims 5 and 6. Claim 6 has been cancelled. Applicant believes this overcomes the Examiner's objection and respectfully request withdrawal of this rejection.

REJECTION UNDER 35 U.S.C. §103

The Examiner has rejected Claims 1, 5-8, 10, 13-16 and 19 under 35 U.S.C. §103(a) as being unpatentable over Raab in view of Fujisaki et al. (U.S. Patent No. 4,684,839). Also, the Examiner rejects Claims 2 and 11 as being patentable over the Raab et al. in view of Fujisaki et al. and further in view of Hung (U.S. Patent No. 5,839,205). The Examiner rejects Claim 10 and 19 under 35 U.S.C. §103(a) as being unpatentable over Raab et al. Also, the Examiner rejects Claim 11 as being unpatentable over Raab et al. and further in view of Hung.

Independent Claim 1 claims an air circulation device which includes a thin low profile motor and a fan blade. A rigid casing seals the motor and associated motor bearings creating a liquid impermeable seal which enables the air circulation device to be subjected to liquids for cleaning the fan blades while preventing corrosion and

damage due to the liquid. The casing covers the motor and has a thickness around 1" to provide a low profile motor assembly.

The Examiner indicates that the Raab reference fails to disclose or suggest a motor that is about 1" thick. Also, Raab fails to disclose or suggest a rigid housing sealing the motor and associated motor bearings to enable the air circulation device to be subjected to liquid for cleaning the blades while preventing corrosion due to the liquid.

The Examiner alleges that Fujisaki et al. discloses a low profile DC motor. The Fujisaki et al. reference is drawn to a motor which is positioned into toys, portable stereo cassette tape recorders, small type audio systems, cameras, etc. which require miniaturized electric motors. See, column 1, lines 17-25. Further, the Fujisaki et al. reference fails to disclose or suggest a casing that is sealed against liquid. Accordingly, this combination relied on by the Examiner fails to disclose or suggest Applicant's invention.

The Court of Appeals for the Federal Circuit has long stated:

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 23 USPQ2d 1780 at 1783 (Fed. Cir. 1982)

Here, the Raab reference relied on by the Examiner focus on movable legs. The legs include a spring which, as soon as the fan is pulled out of the box, spring into position. Secondly, the Examiner combines this with the Fujisaki et al. reference. Fujisaki et al. relates a miniaturized motor used in toys, stereo cassette tape recorders, small type audio systems, cameras, etc. Nowhere does Fujisaki et al. remotely disclose

or suggest the use of its motor in any type of fan system, especially one that is conventional size.

The Examiner is relying upon hindsight to arrive at the determination of obviousness. It is impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This Court has previously stated that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. In re Fritch, supra, 1784.

Here, the Examiner has used the references to allegedly render Applicant's invention obvious. The Examiner has used the references pieced together with his naked assertions to allegedly render Applicant's invention obvious. It is clear that the Examiner cannot use hindsight reconstruction to pick and choose isolated elements in the prior art to deprecate the claimed invention. There is no motivation or suggestion in either the Raab or the Fujisaki et al. references to suggest Applicant's claimed air circulation device with a rigid casing sealing the motor and the motor bearings as well as having a thickness of around 1". Neither reference discloses a casing sealing the motor and neither reference discloses the thin profile motor in a fan.

Accordingly, Applicant believes Claim 1 to be patentably distinguishable over the art cited by the Examiner. Likewise, Claims 2 and 5-9 which depend from Claim 1 are patentably distinct over the art cited by the Examiner.

The Examiner further rejects Claim 2 in view of the above and further in view of Hung. The addition of the Hung reference fails to overcome the deficiencies of the above references. Accordingly, this combination fails to disclose or suggest Applicant's invention.

Independent Claim 10 discloses an air circulation device having a bottom face on the main base portion which includes at least one elongated support member secured to the bottom face by a fastening member. The elongated support portion is pivotally disposed about the fastening member and manually positioned in an extended position, a contracted position, or any desired intermediate position between the extended and contracted positions to support the air circulation device in a number of different elongated support member positions.

The Raab reference cited by the Examiner fails to disclose or suggest Applicant's invention. The Raab reference illustrates the members 19 and 20 which are automatically pivotably moved by a spring 24 from one position to its second position when it is pulled out of its shipping container. Nowhere does Raab remotely speak to the manual positioning of the members. In fact, the Raab members only disclose automatic movement from the stored position to a position removed from the shipping container. There is no intermediate positions as claimed by Applicant. Thus, Raab fails to disclose or suggest Applicant's invention. Accordingly, Applicant believes Claim 10 to be patentably distinct over the art cited by the Examiner.

The Examiner further rejects Claim 11 as being unpatentable over Raab in view of Hung. The Hung reference fails to overcome the deficiencies of the Raab reference. Accordingly, Claim 11 will be patentably distinguishable over the art cited by the Examiner. Likewise, Claims 13-16 and 18-19 are patentably distinct over the art cited by the Examiner.

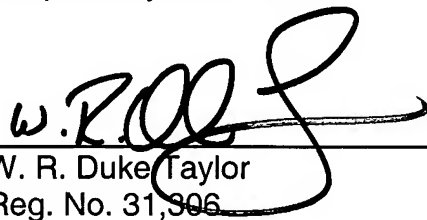
In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully

requests the Examiner to pass the case to issue at his earliest possible convenience.
Should the Examiner have any questions regarding the present application, he should
not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 13, 2005

By:


W. R. Duke Taylor
Reg. No. 31,396

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

WRDT/lkj